

Attachment A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED  
MAY 19 2021  
U.S. DISTRICT COURT-WVND  
MARTINSBURG, WV 25401

Dexton Brunson 92089-071 )  
USP Hazelton )  
PO Box 2000 )  
Bruceston Mills WV 26525 )  
(Full name under which you were convicted, )  
prison number, place of confinement, and )  
full mailing address) )

Petitioner,

vs.

R. Hudgins, Complex Warden )  
(Name of Warden or other authorized person )  
where you are incarcerated) )

Respondent.

**Petition for Habeas Corpus  
Pursuant to 28 U.S.C. § 2241**

Civil Action No. 5:21CV78  
(to be assigned by Clerk)

Barley / Mazzoni /  
Black

**Important notes to read before completing this form:**

- ★ Please read the entire petition **before** filling it out. Answer **only** those questions which pertain to your claim(s).

1. This petition concerns (check the appropriate box):

- ☐ a conviction  
☒ a sentence  
☐ jail or prison conditions  
☐ prison disciplinary proceedings  
☐ a parole problem  
☐ other, state briefly: \_\_\_\_\_

Attachment A

2. Are you represented by counsel? ☐ Yes ☒ No

If you answered yes, list your counsel's name and address: \_\_\_\_\_

3. List the name and location of the court which imposed your sentence:

Middle District of Pennsylvania Harrisburg, PA

4. List the case number, if known: 1:17-cr-00060

5. List the nature of the offense for which the sentence was imposed:

Possession with Intent

6. List the date each sentence was imposed and the terms of the sentence:

Filed 4/16/20 Sentenced 2017 to 120 months BOD

7. What was your plea to each count? (Check one)

- ☒ Guilty  
☐ Not Guilty  
☐ Nolo Contendere

Attachment A

8. If you were found guilty after a plea of not guilty, how was that finding made?

- ☐ A jury
- ☐ A Judge without a jury
- ☐ A Magistrate Judge without a jury

9. Did you appeal from the judgment of conviction or imposition of the sentence?

☐ Yes ☒ No

10. If you did appeal, give the following information for each appeal:

- A. Name of Court: \_\_\_\_\_
- B. Result: \_\_\_\_\_
- C. Date of Result: \_\_\_\_\_
- D. Grounds raised (List each one): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: if you filed an appeal in more than one court, attach an additional sheet of paper of the same size and give all of the information requested in Question 10, A through D.

11. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal? This is called a post-conviction pleading.

☐ Yes ☒ No

If your answer was yes, complete the following sections:

A. First post-conviction proceeding:

1. Name of Court: \_\_\_\_\_

Attachment A

2. Nature of Proceeding: \_\_\_\_\_
3. Grounds Raised: \_\_\_\_\_
4. Did you receive an evidentiary hearing ? ☐ Yes ☐ No
5. Result: \_\_\_\_\_
6. Date of Result: \_\_\_\_\_

B. Second post-conviction proceeding:

1. Name of Court: \_\_\_\_\_
2. Nature of Proceeding: \_\_\_\_\_
3. Grounds Raised: \_\_\_\_\_
4. Did you receive an evidentiary hearing ? ☐ Yes ☐ No
5. Result: \_\_\_\_\_
6. Date of Result: \_\_\_\_\_

C. Did you appeal to the result of the post conviction proceeding(s) to the highest court having jurisdiction?

1. First proceeding: ☐ Yes ☐ No Result: \_\_\_\_\_
2. Second proceeding: ☐ Yes ☐ No Result: \_\_\_\_\_

D. If you did not appeal the adverse result of the post-conviction proceeding(s), explain briefly why not: \_\_\_\_\_

\_\_\_\_\_

12. For your information, the following is a list of the most frequently raised grounds for relief in applications for habeas corpus pursuant to 28 U.S.C. §2241. You may raise any grounds which you may have other than those listed. However, in this application, you should raise all available grounds on which you base your petition. **Do not check** any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. **The petition will be returned to you if you merely check one or more of the grounds:**

- A. U.S. Parole Commission unlawfully revoked my parole.
- B. Federal Bureau of Prisons unlawfully computed my sentence.

Attachment A

- C. Federal Bureau of Prisons unlawfully denied me credit for time served in state or federal prison.
- D. Federal Bureau of Prisons or State prison system unlawfully revoked my good time credits.
- E. There is an unlawful detainer lodged against me.
- F. I am a citizen and resident of a foreign country and I am in custody for an act which I had a right to commit under the laws of my country.
- G. The act for which I was convicted is no longer considered to be a crime, and I cannot raise this issue in a §2254 petition or a §2255 motion.

**CAUTION: if you fail to set forth all of the grounds in this petition at this time, you may be barred from presenting additional grounds at a later date.**

State clearly every ground on which you are seeking relief. Summarize briefly the facts supporting each ground. If necessary, attach a total of five (5) typed or ten (10) neatly printed pages maximum for all grounds and all attachments.

A. Ground one:

Federal Bureau of Prisons unlawfully computed my sentence

Supporting facts: tell your story briefly without citing cases or law. You are cautioned that you must state facts, not conclusion, in support of your grounds. A “rule of thumb” to follow is this: who did exactly what to violate your rights at what time and place).

During sentencing the Judge granted me credit for time served in pretrial detention as well as ran my sentence Concurrent with my state charges. The sentence imposed was 120 mos. minus jail time credit served in Dolphin County Det. Center in Harrisburg, PA

B. Ground two:

Attachment A

BOP unlawfully denied Me credit for time served in federal pretrial detention

Supporting facts:

I was housed in pretrial detention at Dauphin Co. Det. Ctr. in Harrisburg, PA starting 3/28/17 until sentencing and delivery to the Federal Bureau of Prisons. I was in federal custody not on a writ. Movants inmate # at DCD was 89349. 29 mos of time credit being denied.

C. Ground three:

Deliberate Indifference, BOP knowingly failed to correct its mistake in time calculation

Supporting facts:

I have filed grievances and administrative remedies seeking credit for jail time. USP Hazelton has failed to remedy this situation, denying me the credit and not carrying out the sentence as the Court intended. Part of movants strategy and legal decision came with consideration of the 29 mos time credit.

D. Ground four:

Attachment A

Supporting facts:

---

---

---

---

---

13. Were all of the above grounds presented to another court, state or federal? If not, state which grounds were not presented. If yes, state the name of the court, date of decision, and the nature of the outcome:

N/A

---

---

---

---

---

14. If this petition concerns prison disciplinary proceedings, a parole problem, computation of sentence, or other case under 28 U.S.C. § 2241, answer the following questions:

- A. Did you present the facts in relation to your present petition in the prison's internal grievance procedure?

☒ Yes ☐ No

1. If your answer to "A" above was yes, what was the result:

exhausted the administrative remedy process.  
BOP's response was that credit was given on  
a state sentence which is not correct. I was  
not on a writ. I was primarily fed  
custody for over 29 months

Attachment A

2. If your answer to "A" above was no, explain:

---

---

---

B. If you are a federal prisoner, did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

☒ Yes ☐ No

1. If your answer to "B" above was yes, what was the result:

Relief Denied

---

---

2. If your answer to "B" above was no, explain:

---

---

---

15. Relief: State here, as briefly as possible, exactly what you want the court to do for you:

1. Make **no** legal arguments.
2. Cite **no** cases or statutes.

I want the court to instruct the BOP to grant credit for the pretrial detention on my federal case. The sentencing court sentenced me to concurrent time and gave credit for time served in jail awaiting sentencing. I want the court to grant credit from 3-28-17 to delivery to the BOP. I was booked and held under USMS primary federal custody.

---

---



**Attachment A**

16. If a previous motion to vacate or modify a prisoner's sentence, pursuant to Section 2255, was not filed, or if such a motion was filed and denied, the reasons why Petitioner's remedy by way of Section 2255 is inadequate or ineffective to test the legality of the detention.

---

---

---

---

---

---

Signed this 13<sup>th</sup> day of May, 2021.  
(day) (month) (year)

Denton Bensen  
Your Signature

Pro Se  
Signature of Attorney (if any)

I declare (or certify, verify, or state), under penalty of perjury, that the foregoing is true and correct.

Date of Signature: 13 May 2021 Denton Bensen  
Your Signature